

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ESTEVAN ALVARADO-HERRERA,

Plaintiff(s),

v.

ACUITY A MUTUAL INSURANCE
COMPANY,

Defendant(s).

Case No. 2:22-cv-00438-CDS-NJK

Order

[Docket No. 70]

On November 8, 2022, the Court ordered Plaintiff to provide supplemental interrogatory responses by November 22, 2022. Docket No. 61. On February 27, 2023, Plaintiff filed a motion to stay operation of that deadline pending resolution of his objection to the undersigned's order. Docket No. 70. That motion to stay does not acknowledge the fact that it was filed more than three months after the expiration of the deadline at issue. *See in re Lernout & Hauspie Securities Litig.*, 219 F.R.D. 28, 30 (D. Mass. 2003) (denying as untimely motion to stay discovery order pending resolution of objection to district judge; "it is improper (and, indeed, probably contumacious) to fail to comply with [a discovery] Order and not to seek a stay at a time reasonably in advance of the time for compliance"); *Greystone Const., Inc. v. Nat'l Fire & Marine Ins. Co.*, 2008 WL 795815, at *4 (D. Colo. Mar. 21, 2008) (same); *see also PlayUp, Inc. v. Mintas*, ___ F. Supp. 3d ___, 2022 WL 10967692, at *3 n.2 (D. Nev. Oct. 18, 2022) ("The motion to stay must be filed sufficiently in advance of the date ordered for compliance to provide the court an opportunity to rule on the motion prior to that deadline"). Having not addressed this threshold issue, the motion to stay is **DENIED** without prejudice.

IT IS SO ORDERED.

Dated: February 28, 2023


Nancy J. Koppe
United States Magistrate Judge